

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation Committee

BILL: SB 1906

SPONSOR: Senator Dockery

SUBJECT: Resource Recovery and Management

DATE: April 1, 2005

REVISED: 04/07/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>EP</u>	<u>Pre-meeting</u>
2.	<u></u>	<u></u>	<u>CA</u>	<u></u>
3.	<u></u>	<u></u>	<u></u>	<u></u>
4.	<u></u>	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

I. Summary:

This bill includes “wood” and “concrete” in the definition of “recovered materials.” The bill also provides that construction and demolition debris (C&D) also constitute recovered materials in certain situations. Persons handling C&D as a recovered material are deemed certified under certain conditions.

This bill substantially amends ss. 403.703 and 403.7046, F.S.

II. Present Situation:

One of the major goals of the 1988 Solid Waste Management Act was to reduce the amount of solid waste that was being sent to Florida’s landfills by establishing and encouraging recycling and volume reduction programs. Waste reduction is an integral part of Florida’s municipal solid waste management system. Waste reduction, generally synonymous with recycling, is measured by assessing the amount of waste that is not being burned in a waste-to-energy facility or buried in a landfill.

Section 403.703, F.S., provides the definitions that are used in the Solid Waste Management Act. “Recycling” means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products. “Recyclable material” means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

“Construction and demolition debris” (C&D) means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or

demolition project or from the renovation of a structure, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project. The term also includes clean cardboard, paper, plastic, wood, and metal scraps from a construction project; and unpainted, nontreated wood scraps from facilities manufacturing materials used for construction.

“Recovered materials” means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw material, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal.

According to report prepared by Department of Environmental Protection (DEP) in 2001¹, Florida generated about 29 million tons of solid waste in 1998, and an estimated 9.4 million tons (or 33 percent) could be classified as C&D debris. Of that 9.4 million tons of C&D debris, about 3.3 million tons (or 36 percent) was recycled; the majority was concrete debris, used as fill at construction sites, mixed with aggregate to make new concrete, mixed with asphalt for road construction, or as drainage material.

The U.S. Environmental Protection Agency reports that Florida has one-seventh of all the C&D landfills in the nation, due to relatively low disposal fees and the state’s high rate of development. According to DEP, Florida has 94 active C&D disposal facilities, and 82 active facilities that accept land-clearing debris only. There are five registered C&D recycling facilities, but there are several other multi-purpose facilities and transfer stations that also engage in some C&D recycling, as specified in their permits. The C&D materials recovery facilities are inspected three times a year.

C&D materials that are not recycled can be disposed of in Class III landfills which accept waste that does not leach into the groundwater. These landfills typically are not lined, but according to s. 403.707(12), F.S., must implement a groundwater monitoring system adequate to detect any possible contamination to groundwater. The owners of these landfills must maintain a proper training program for their operators, maintain records, and provide financial assurances.

Since the 1980s, Florida has promoted recycling as a way to reduce the amount of valuable land being used as landfills, to reduce groundwater contamination, and to promote a sustainable environment. Section 403.706, F.S., requires counties and cities to reduce by at least 30 percent the amount of solid waste they generate. Newsprint, aluminum and steel cans, glass, plastic bottles, cardboard, office paper, and yard trash are the waste materials listed for recycling credits. Recycling of C&D debris is not factored into the 30-percent reduction.

Section 403.7046, F.S., limits a local government’s ability to regulate the collection of recovered material. A local government is prohibited from requiring a commercial generator of recovered materials to send those materials to any specific facility; instead, the generator may send them to any properly certified recovered materials dealer. A local government is further prohibited from

¹ C&D Debris Recycling Study: Final Report. 2001. Available at http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/candd/CD%20report%205-8.pdf

requiring an exclusive franchise for the collection of commercially generated recovered materials.

There are no prohibitions against local governments entering into exclusive franchises with companies to collect, transport, and dispose of household garbage and other types of solid waste. Depending on the franchise terms, this solid waste is disposed of at the county- or city-owned landfill, or at landfills owned by the hauler or another private entity.

III. Effect of Proposed Changes:

This bill would amend the definition of “recovered materials” in s. 403.703, F.S., to include wood and concrete.

Section 403.7046, F.S., is amended to provide that construction and demolition debris that is collected and taken directly to a permitted waste-processing facility for the purpose of recycling is considered to be recovered material. Any person handling such material in accordance with a DEP permit or other authorization is considered to be certified.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Concerns have been expressed that this bill may impair existing contracts such as the exclusive franchises that local governments may have with solid waste haulers. Under this bill, recovered C&D would have to be transported and disposed of differently than is currently being done under the terms of those exclusive franchises.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may create competition for certain solid waste haulers. Currently, some haulers may have an exclusive franchise agreement to haul solid waste, including C&D. Under

this bill, there would be competition for the transportation of certain C&D materials destined to be recycled.

C. Government Sector Impact:

To the extent that C&D material can be processed for recycling and reused, landfill space can be saved.

Local governments have expressed concern that their revenues from tipping fees may be adversely affected. Wood, concrete, and other C&D diverted from the landfill to a recovered materials facility are not subject to tipping fees. The following estimated impacts were provided by the Florida League of Cities:

City of Boyton Beach	\$400,000
City of Daytona Beach	\$205,000
City of Coral Springs	\$250,000
City of Fort Myers	\$100,000
City of Sunrise	\$155,000
City of Melbourne	\$ 50,000
Fort Walton Beach	\$ 10,000
Winter Park	\$48,000-50,000
Tampa	\$180,000
Plant City	\$80,000
West Palm Beach	\$87,500
Boca Raton	\$300,000
TOTAL	\$1,867,500

Other cities have indicated a fiscal impact, but are unable to quantify those impacts.

VI. Technical Deficiencies:

On page 2 of the bill, there is an incorrect reference to “paragraph (3)” and “subparagraphs (b) and (c).” The reference should be to “subsection (3)” and “paragraphs (b) and (c).”

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
